HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1331 (S/S) 2004

Sewa Singh S/o gurcharan Singh,
R/o Near Sibbal Cinema, Ward no. 18,
Rudrapur, Tehsil Kichha,
District Udham Singh Nagar. ...Petitioner

Versus

Uttaranchal State Road Transport Corporation,
Dehradun through its Chairman,
And two others. ...Respondents

Sri U.N. Bhardwaj Adv. and Sri Jaswinder Singh Adv., for the petitioner.
Sri P.S. Rawat, brief holder of Sri A.N. Sharma, learned counsel for the respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri U.N. Bhardwaj Adv. and Sri Jaswinder Singh, learned counsel for the petitioner and Sri P.S. Rawat, brief holder of Sri A.N. Sharama, learned counsel for the respondents.

By means of this writ petition, the petitioner has prayed to issue a writ, order or direction in the nature of certiorari to quash the termination order dated 13.01.2003 passed by the Assistant Regional Manager, UPSRTC, Kashipur.

Contention of the petitioner is that he was appointed as Driver on daily wages by respondent no.2 vide its order dated 24.06.1995. And on 02.11.1996, the petitioner was appointed in regular basis in the pay scale of 950-1500. The petitioner was served with a notice dated 09.06.2000 wherein it was stated that the certificates submitted by the petitioner were found fake. Consequently, an enquiry was conducted and the Investigation Officer found that the certificates submitted by the petitioner were correct. In spite of the aforesaid report of the Investigating Officer, the petitioner has been terminated from his services vide order dated 13.01.2003. Against the terminated order, the petitioner preferred appeal, as provided under the Rules before the Regional Manager, Uttaranchal Pariwahan Nigam, Nainital. The said appeal is still pending.

Counsel for the petitioner has confined his prayer that the Regional Manager, Uttaranchal Pariwahan Nigam be directed to decide the appeal expeditiously.

Since the petitioner has already availed remedy as provided under the Rules. I think it just and proper to direct the Appellate Authority to decide the appeal preferred by the petitioner in this regard.

Consequently, I direct the Regional Manager, Uttaranchal Pariwahan Nigam, Nainital to decide the appeal preferred by the petitioner before him on 10.03.2003 within a period of six weeks from the date of production of a certified copy of this order.

With these directions the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

November 20, 2004:
NCM: